

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kang Soo SEO et al. Conf.: 7834  
Application No.: 10/759,461 Examiner: Asher Khan  
Filing Date: January 20, 2004 Art Unit: 2621



Title: RECORDING MEDIUM HAVING DATA STRUCTURE FOR  
MANAGING REPRODUCTION OF STILL PICTURES  
RECORDED THEREON AND RECORDING AND  
REPRODUCING METHODS AND APPARATUSES

Attorney Docket: 46500-000123/US

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October 4, 2010

**REASONS FOR REQUEST FOR PRE-APPEAL BRIEF CONFERENCE**

Conferees:

In response to the Final Office Action of July 2, 2010 and Advisory Action of September 17, 2010, Applicants request that a Pre-Appeal Brief Review Conference review the pending rejection under 35 U.S.C. § 103. The Reasons for Pre-Appeal Brief Request for Review are being filed concurrently with the Pre-Appeal Brief Request for Review and a Notice of Appeal. Claims 1-11, 26-29, 32-35, 39-42, 46-49, and 53-56 are pending in the current application and currently stand rejected.

**I. THE EXAMINER HAS NOT FAIRLY ACCOUNTED FOR A PLAYLIST AREA STORING GRAPHIC DATA.**

Initially, please see Applicants' arguments made on pages 15-16 of the response filed September 2, 2010. The Examiner applies US Pat Pub

2001/0056580 to Seo et al. ("Seo") for the claim limitation of a "recording medium" having a "playlist area storing . . . graphic data," alleging that the graphic data derived from PL data in Seo meets these elements. Applicants respectfully submit that Seo explicitly teaches that any "graphic data" used by its reproduction device is **created by the reproduction device, not taken from a recording medium where it is stored**. Seo, in paragraphs [0006]-[0007], discloses a PL interpreter 5 and **graphic generator 6 that specifically generates graphic data** based on the interpreted PL data, which is not graphic data. If "graphic data" were present in a playlist area of a recording medium in Seo, the reproduction device reproducing such a recording medium would not have to create graphic data. But the reproduction devices in Seo do have to create graphic data themselves. As such, Seo lacks any recording medium storing graphic data in a playlist area as recited in independent claims 1 and 26-29, for which Seo alone is applied.

## **II. THE EXAMINER HAS NOT FAIRLY ACCOUNTED FOR A CLIP STREAM FILE NOT INCLUDING AUDIO.**

Initially, please see Applicants' arguments made on page 15 of the response filed September 2, 2010. The Examiner applies a transport stream of Seo for the claim limitation of a "still picture unit." As recited in each independent claim, the "still picture unit" is included in "the first clip stream file not including audio data." Based on this recited relationship, **the still picture unit cannot include audio data**. Seo inescapably includes audio data in its transport stream. In paragraph [0006], Seo states that **A/V data in the**

**transport stream is decoded to original picture and sound data.** As such, Seo lacks any still picture unit that does not include audio data as recited in independent claims 1 and 26-29, for which Seo alone is applied.

**III. THE EXAMINER HAS NOT FAIRLY ACCOUNTED FOR A STILL PICTURE UNIT THAT IS REPRODUCIBLE ASYNCHRONOUSLY FROM AUDIO DATA.**

Initially, please see Applicants' arguments made on page 16 of the After Final response filed September 2, 2010 and pages 15-16 of the response filed April 20, 2010. The Examiner applies US Pat Pub 2001/0046371 to Ando et al. ("Ando"), teaching random or browsable ASVOB reproduction, for the claim limitation of a "still picture unit configured to be **reproduced asynchronously from the audio data.**" Applicants respectfully submit that each ASVOB in Ando contains a thumbnail picture that is **reproduced in synchrony with corresponding audio**, whenever an ASVOB is reproduced, randomly or in browse mode. See Ando, ¶¶ [0443]-[0445] ("Audio still video ASV is still picture data to be presented together with audio data"); FIG. 37. The random picture functionality in paragraphs [0334] and [0335] and FIG. 28A does not alter this correspondence between thumbnail reproduction and music timing; the random ASVOBs are still reproduced together with a cell including audio data. Compare Ando, FIG. 28A, PGC#3, cell with corresponding ASVOBs with Ando, FIG. 7, elements (a), (b); FIG. 40; ¶¶ [0466]-[0469] (ASVOBs always coordinated with audio tracks in PGC). Thus, if a user jumps between multiple pictures, at each jump, audio for the jumped-to thumbnail will start playing. If a user causes random pictures to be displayed, audio for each randomly-displayed

picture will start playing. As such, Ando lacks any still picture unit that can be reproduced out of time from audio data as recited in independent claims 1 and 26-29, for which Ando alone is applied.

In sum, Seo lacks “a recording medium” with “a playlist area storing” a “first clip stream file not including audio data” and a “still picture unit including the at least one still picture and associated graphic data” for which Seo alone is applied. Ando further lacks a “still picture unit configured to be reproduced asynchronously from the audio data” for which Ando alone is applied. Seo, Ando, and/or Kato do not complementarily cure the differences between Seo and Ando and independent claims 1 and 26-29 discussed above. Claims 2-11, 32-35, 39-42, 46-49, and 53-56 are allowable at least for depending from an allowable base claim. The rejections under § 103(a) to these claims are not ready for appeal.

**CONCLUSION**

In view of the above, Applicants respectfully request that the Conference consider and reverse the current rejections and either allow the present application or reopen prosecution in connection with the present application.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ryan Alley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
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